



140 Grand Street, Suite 705, White Plains, New York 10601
t 914.686.1500 • f 914.487.5000 • www.yankwitt.com

White Plains, NY
Atlantic City, NJ

March 29, 2024

Via Electronic Case Filing

The Honorable Vincent L. Briccetti
United States District Court
Southern District of New York
United States Courthouse
300 Quarropas Street, Courtroom 630
White Plains, New York 10601

Re: *White Plains Aviation Partners, LLC, d/b/a Million Air White Plains v. The County of Westchester*, Case No. 21 Civ. 5312 (VB)

Dear Judge Briccetti:

Pursuant to the Court's Order, dated February 22, 2024, counsel for plaintiff White Plains Aviation Partners, LLC, d/b/a Million Air White Plains ("Million Air"), and counsel for defendant County of Westchester (the "County"), jointly submit this letter to update the Court regarding their ongoing discussions concerning the material issues in this matter, and to jointly request a continued stay of the litigation, from March 29, 2024, through May 1, 2024.

The Court has previously agreed to stay this action since November 20, 2023, because of ongoing settlement discussions between the parties. As set forth in the parties' previous correspondence and discussed at the last pretrial conference, the parties have engaged in discussions with the Federal Aviation Administration ("FAA"), that relate to light general aviation use and Million Air's proposed new hangar, in an attempt to resolve the claims in this action. Further, Million Air has completed the process of putting the T-Hangar (known as T-Hangar 25) on Million Air's leased premises back into service, which, according to the County, will resolve three of the five counterclaims in this action, and the parties are in the process of negotiating a lease amendment regarding, inter alia, a parking area at the airport and tie-down spaces for light general aviation aircraft, which, if approved by both parties, would resolve a fourth counterclaim.

In addition, as discussed at the last pretrial conference, the parties were scheduled to meet on March 15, 2024, to continue discussing the Environmental Assessment (EA), a document prepared by the County which is part of the environmental review process that is still required for the existing terminal and hangar that Million Air has already constructed. An EA would also ultimately be necessary for Million Air's proposed new hangar. The EA, as originally drafted, and submitted for public comment by the County last Spring, included all the current and proposed improvements on Million Air's leased premises, including the proposed new hangar. The County then recently submitted a new EA to include only the current improvements on Million Air's leased premises without the proposed new hangar. Since the last pretrial conference, the parties engaged in discussions related to, but did not agree about, the appropriate scope of the EA. Million Air has informed the County that it reserves all of its rights as to this issue concerning the appropriate scope of the EA.

Hon. Vincent L. Briccetti

March 29, 2024

Page 2 of 2



Despite the parties' failure to resolve that issue, the parties have agreed to continue to work on the issues that relate directly to Million Air's proposed new hangar, including light general aviation use and a report prepared by an independent consultant concerning the effect of that hangar on the number of repositioning, or "ferry" flights from Million Air's FBO. The County questions the validity of that report. The parties' resolution of these issues likely would resolve Million Air's claims in this action, or, at a minimum, streamline or reduce the material issues.

Million Air also has informed the County that it believes that the Magistrate Judge assigned to this matter could assist the parties in resolving these issues. The County currently is considering Million Air's proposal.

For all of these reasons, the parties jointly request a continued stay of the current litigation, through May 1, 2024.

The parties thank the Court for its consideration of their request.

Respectfully submitted,

YANKWITT LLP
Counsel for Plaintiff Million Air

By: /s/ Russell M. Yankwitt
Russell M. Yankwitt
Ross E. Morrison
Jonathan Ohring

JOHN M. NONNA
Westchester County Attorney
Counsel for Defendant County of Westchester

By: /s/John M. Nonna
John M. Nonna
Shawna MacLeod
Sean Carey